



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,615	02/02/2004	Stuart P. Oakner	SMDRPA203	2303

7590 04/21/2005

Robert M. Downey
Robert M. Downey, P.A.
Suite 300
601 South Federal Highway
Boca Raton, FL 33432

EXAMINER

TANNER, HARRY B

ART UNIT	PAPER NUMBER
----------	--------------

3744

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/770,615

Applicant(s)

OAKNER ET AL.

Examiner

Harry B. Tanner

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Oakner et al. Oakner discloses an overflow safety switch having tubular member 27, mounting assembly 22 for attaching the switch to the drain system so that at least a portion of the tubular member extends within the drain system, a float body 35 supported on the tubular member responsive to liquid level in the drain system, magnetic element 38 carried by the float and reed switch 29 opened and closed by the magnetic element in response to the position of the float.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 11-13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakner et al applied in the rejection of claim 1 above and further in view of Hernandez-Zelaya. Hernandez-Zelaya teaches the use of a clip 28 in order to support a liquid level overflow switch in the drain pan of an air conditioner. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Oakner such that it included the use of clip 28 in order to

support the liquid level overflow switch in the drain pan of an air conditioner in view of the teachings of Hernandez-Zelaya.

Claims 5-6, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakner et al in view of Hernandez-Zelaya as applied to claim 2 above, and further in view of Helm. Helm teaches the use of an adjustable bracket in order to allow a liquid level sensor to be located at the proper level. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the clip of Hernandez-Zelaya such that it provided adjustable vertical placement of the sensor in view of the teachings of Helm.

Claims 7, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakner et al as applied to claim 1 above, and further in view of Gomez, Jr. Gomez teaches placing a liquid level sensor through a hole in the wall of a reservoir in order to locate the sensor at the proper level for detecting a critical level. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Oakner such that the liquid level sensor was placed through a hole in the wall of a reservoir in order to locate the sensor at the proper level for detecting the critical liquid level to in view of the teachings of Gomez.

Claims 8-10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakner et al in view of Gomez, Jr as applied to claim 7 above, and further in view of Zager. Zager teaches the use of O-rings and screw threads in order to attach a liquid level sensor to a reservoir in the proper location. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the

system of Oakner such that it included the use of O-rings and screw threads in order to attach a liquid level sensor to a reservoir in the proper location in view of the teachings of Zager.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry B. Tanner whose telephone number is (571) 272-4813. The examiner can normally be reached 8:30 am to 6:00 pm Monday, Tuesday, Wednesday and Friday and 2:00 pm to 6:00 pm Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel, can be reached on (571) 272-4808. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Harry B. Tanner
Primary Examiner
Art Unit 3744